

# Citizen's Police Review Board

11/02/2009

## MINUTES

Board Members Present:

Minister William C. Muhammad  
Ann Craig, Dardinella Hippchen,  
Andrew Cirner, William O'Shaughnessy,  
Quintan Cooley, David Bukala

Board Members Absent:

Barbara Kuipers, (Excused)  
Carlos Florez, (Excused)

Staff Present:

Denny Powers, Staff Liaison  
Kurt Dykman, Internal Affairs Detective

Guests:

Raul Melgoza Jr.

Chairperson William Muhammad called the meeting to order at 6:32 p.m.

Minister Muhammad asked if everyone had a chance to read the previous meeting minutes and if there were any corrections or additions. It was motioned, supported and passed to approve the minutes as presented.

**Old Business**

It was motioned to table the issue of a "vice-chairperson" at this time as we have an appeal hearing this evening. The motion was supported and passed by unanimous consent.

## **New Business**

Appeal and disposition forms that came in since the last mailing were disseminated to the board members.

### **Hearing of Appeal 09-07**

Chairperson Minister William C. Muhammad opened the hearing on case 09-07. He noted that Mr. Raul Melgoza Jr. was present and asked Mr. Melgoza to make any statements he would like to explain the nature of his complaint.

Mr. Melgoza gave details on the events of the day in question including that he did not feel the officer needed to have his son's identification and take it back to the cruiser when in his view it should have been obvious that a 15 year old who is 125 pounds is not a 23 year old who is 240 pounds and has tattoos.

Chairperson William C. Muhammad asked Detective Dykman to play the in car video for the board.

After viewing the in car video, Detective Dykman fielded a number of questions about radios in cars and he also explained that the majority of traffic between dispatch and the officer is now done via in car computer and not over the air with a microphone.

Several board members then made statements in reference to the officer having probable cause to pull over the vehicle after having run the plate. It was noted that this plate was transferred from another vehicle which was associated with another person and that both vehicles are similar styles. They also asked Mr. Melgoza to explain what the main thing is that he is complaining about.

Mr. Melgoza stated that he had no problem with the officer pulling him over based upon running the plate but that he was concerned over the officer wanting his son's identification when in his opinion the officer should have been able to visually tell this is not the person he was looking for.

A number of board members noted they felt it was proper procedure after stopping the vehicle based upon running the plate that the officer make a proper identification.

Chairperson William Muhammad noted that it appeared to him that perhaps Mr. Melgoza Jr. is concerned over his son's name being entered into some system where it would remain and affect him in the future.

Mr. Melgoza confirmed that this is his major concern.

Detective Dykman explained that no report was created on this stop and that the identification is just used to query a database. The query itself does not place the person's name in any kind of report. There was no report created where Mr. Melgoza's son's name was included in.

After hearing this, Mr. Melgoza stated that he has no problem with the officer pulling the vehicle over based upon probable cause after having run the plate and if it is proper procedure for the officer to have taken the identification and if his son's name was not used in a report then he is ok with that. His major concern was that his son's name would now show up in some report which could show up in the future.

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## MOTIONS

It was motioned by Ms. Dardinella Hippchen to agree with the findings of the Internal Affairs Investigation that the officer is exonerated. The motion was supported.

There was a discussion on the motion.

After discussion there was a request to amend the motion to include that Mr. Melgoza was satisfied after further explanation of the procedures by Detective Dykman. The motion was supported.

The final motion is as follows:

**Motion to agree with the findings of the Internal Affairs Investigation that the officer is exonerated and also that Mr. Melgoza was satisfied after further explanation of the procedures by Detective Dykman.**

**The motion carried with the unanimous consent of those board members present.**

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Chairperson William C. Muhammad thanked Mr. Melgoza for bringing his concern to the board.

## **Public Participation**

None.

It was motioned and supported to adjourn the meeting.

The meeting was adjourned at 7:22 p.m.

**The next meeting is December 7, 2009 at 6:30 p.m.** in room 103 of Muskegon City Hall.

Respectfully submitted,

Denny Powers

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Denny Powers, Staff Liaison to the CPRB